

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.8947 OF 2002

**23.03.2006**

Between:

J.Mohd Shafi, S/o.J.Malik Ahmed

... Petitioner

AND

The Commissioner and Director of School Education and

Chairman-DIET CET-2000, Hyderabad

And others

... Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.8947 OF 2002**

**ORDER:**

The petitioner appeared for DIET CET-2000. He got rank of 224. He claimed admission in sports quota. He produced the certificate issued by Andhra Pradesh State Rural Football/Wrestling Tournament (1994-1995) showing that he participated in the said tournament from 30.8.1994 to 02.9.1994. Based on the same, he was admitted to the second respondent College for a two-year D.Ed., course. While he was prosecuting the studies, one S.Ahmed Hussain made a complaint that the petitioner never participated in any Football tournament at Sangareddy. Accordingly, the first respondent issued a show cause notice dated 23.2.2002, enquired with District Sports Authority and passed orders on 19.4.2002 cancelling the admission of the petitioner into D.Ed., course (Urdu medium) under sports quota during 2002. Assailing the same, the present writ petition is filed seeking invalidation of the proceedings of the first respondent and for a consequential direction to the respondents to allow the petitioner to continue the course.

This Court while admitting the writ petition on 07.5.2002 directed the respondents to issue hall-ticket to the petitioner to appear at the second year examination of D.Ed., on 13.5.2002, but not to declare any result of the petitioner. This order was passed presumably for the reason that though the petitioner joined the course in 2000, the first respondent passed orders on 19.4.2002 when the petitioner was about to take second year examination. While the writ petition was pending, the petitioner filed another writ petition being W.P.No.11993 of 2002 seeking direction to respondents to permit him to appear for District Selection Committee (DSC) examination for appointment of a teacher. This Court passed order on 22.5.2002 enabling the petitioner to appear for DSC examination.

A counter affidavit is filed by the first respondent alleging that the petitioner produced false certificate and claimed admission in D.Ed course. It is asserted that the petitioner never participated in the A.P. State Rural Football/Wrestling Tournament during 1994-1995. Necessary evidence is also enclosed with the counter affidavit.

A perusal of three documents annexed to the counter affidavit filed by the first respondent would create any amount of doubt regarding the claim of the petitioner that he participated in A.P. Rural Football/Wrestling Tournament at Sangareddy from 30.8.1994 to 02.9.1994. Further the certificate enclosed by the petitioner along with the writ petition would show that though it is signed by the Secretary & District Sports Development Officer and District Collector & Chairman, Medak District Sports Authority, the same is not signed by the Organising Secretary of the Tournament. This, however, does not disentitle the petitioner to study the course. The reasons are these. A reading of the impugned order would show that the petitioner was admitted in August 2000 in D.Ed., course and immediately thereafter S.Ahmed Hussain sent a complaint to the first respondent on 14.3.2001. However, the first respondent took almost one year to pass impugned order. In the meanwhile, the petitioner completed the course and he was served with the copy of the cancellation order only in April 2002. This would show that the admission of the petitioner is cancelled at the fag end of the course, which would be unfair. There is no denial before this Court that if the petitioner was not able to get a seat in sports quota at DIET college in Kurnool, there was possibility of the petitioner procuring a seat at DIET college elsewhere in Andhra Pradesh. Therefore, though a doubt is created as to whether the petitioner in fact participated in the tournament, this Court is not inclined to deny D.Ed., course to the petitioner. It is also brought to the notice of this Court that the Director of Government Examinations has already issued the consolidated marks memo declaring the result of the petitioner through the Principal of DIET College, Kurnool.

In the result, for the above reasons, the writ petition is disposed of, with the observations as above and further directing the competent authority to issue pass certificate to the petitioner. No costs.

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(V.V.S.RAO, J)

March 23, 2006

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